

Restriction is only proper if the claims of the restricted groups are either independent or patentably distinct. The burden of proof is on the office to provide reasons and/or examples to support any conclusion with regard to patentable distinctness. M.P.E.P. § 803.

Applicants respectfully traverse the requirement for restriction on the grounds that the Office has not provided adequate reasons and/or examples to support a conclusion of patentable distinctness between the identified groups.

The Office alleges that the inventions of Groups I-IV lack a “special technical feature” because the invention of Group II “lacks the iron content requirement that the others do. This common requirement does not avoid the prior art (see J08073724’s [sic; JP8073724’s] teaching of PC + release agent).” However, Applicants note that the Office also states that “The common requirement among all four groups is a PC of all MW 10,000-17,000 and 100-500 ppm of release agent.” Based on the Abstract of JP8073724, enclosed herewith, there is no indication that JP8073724 in fact describes a “PC of all MW 10,000-17,000.” Thus, the Office’s allegation that the inventions of Groups I-IV do “not avoid the prior art” appears to be incorrect. Accordingly, Applicants respectfully submit that the requirement for restriction is improper, and requests that it be withdrawn.

Moreover, Applicants respectfully traverse the requirement for restriction on the grounds that the Office has not shown that a burden exists in searching the entire application. M.P.E.P. § 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

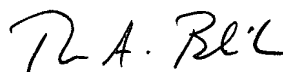
Applicants note that the inventions of Groups I-IV are all classified in the same class and subclass. Accordingly, Applicants respectfully submit that a search of all the claims would not impose a serious burden on the office.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for restriction. Applicants respectfully request that the requirement for restriction be withdrawn.

Applicants respectfully submit that the above-identified application is no in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully submitted,

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